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SIPDIS

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DEPT FOR SCA/CEN (M. O'MARA), DRL/PHD (C. KUCHTA-HELBLING)

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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KZ](#)

SUBJECT: KAZAKHSTAN: NO PROGRESS IN HARE KRISHNA SITUATION

REF: A. ASTANA 651, B. ASTANA 668

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¶1. (SBU) Summary: There has been no progress in resolving the dispute surrounding the Hare Krishna community near Almaty, where 13 homes were demolished on November 21. On November 26, legal proceedings were launched against an additional five homes. Despite assurances by the Foreign Minister that the GOK fully understood the damage the situation was causing to Kazakhstan's international reputation, the MFA on December 14 protested the embassy's statement on the matter, which was provided to media and human rights organizations that contacted the embassy press office. The MFA also passed along a "decision" of the Ministry of Justice commission charged with resolving the situation, purportedly issued before the demolitions. The commission is scheduled to hold its final meeting December 22. End summary.

MFA Protests our Statement

¶2. (SBU) On December 14, Serzhan Abdykarimov, head of the MFA's Europe and Americas division, requested a meeting with Pol-Econ Chief to protest the Embassy's comments to the press regarding the November 21 demolition of Hare Krishna homes (Ref A). Abdykarimov handed over a non-paper describing the Embassy's statement as "inappropriate" because it raised questions about the legal basis for the proceedings. The non-paper noted that "The decision made by the highest judicial authority of the Republic of Kazakhstan is final and cannot be subjected to official comments or appraisal by representative offices of foreign states accredited to the Republic of Kazakhstan. The Ministry of Foreign Affairs... points out that the decisions of the judicial authorities of the Republic of Kazakhstan should be observed and respected."

¶3. (SBU) The non-paper also asserted that because there are ten registered Krishna Consciousness associations in Kazakhstan, there is no religious motivation to the land issue. (Comment: An interesting denial given that post has never asserted that religious discrimination lies at the root of the problem. End comment.)

¶4. (SBU) Pol-Econ Chief noted that in discussing the incident with the Ambassador, Foreign Minister Tokayev had been quite frank regarding the ill-advised nature of the decision and the way it was carried out (Ref B). Abdykarimov denied that the protest represented any change in the MFA's position on the matter, underscoring his ministry's position that judicial decisions may not be questioned or criticized.

¶5. (U) Following is the text of the embassy statement, which the

press office provided in response to queries from the Associated Press, Reuters, Radio Free Europe, the Kazakhstani International Bureau for Human Rights, and the Krishnas.

"The U.S. Embassy is concerned that Karasai district authorities are continuing their aggressive campaign against the Hare Krishna commune outside of Almaty. On November 21, Karasai district authorities demolished several homes at the commune. Homeowners were left in the cold, and many of their possessions were destroyed. The remaining residents were left without electricity and heat.

The embassy has several concerns regarding the legal basis for the actions against the Hare Krishna community. Regardless of the merits of the underlying case, the forceful eviction of homeowners in freezing temperatures and the destruction of their possessions, contradicts principles of due process and fairness. It is particularly disturbing that the authorities took such action before the special commission charged with finding an equitable solution to the situation had issued its recommendations.

It is unfortunate that more than a week later, the authorities have done nothing to remedy the situation. The situation in fact appears to be deteriorating; authorities this week scheduled new court hearings on additional properties in the commune.

The embassy urges the Karasai district authorities to refrain from any further aggressive actions against the Hare Krishnas, and to work toward a fair, lawful, and peaceful resolution of the ongoing legal dispute."

And Provides Puzzling Commission "Decision"

16. (SBU) Pol-Econ Chief drew Abdykarimov's attention to the key point in the statement, the fact that the demolitions were carried out before the commission established by the Ministry of Justice had

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acted. Kazakhstani authorities had assured both the Hare Krishnas and the international community (including in a November 23 diplomatic note) that no action would be taken until the commission had reached a decision. Abdykarimov handed over an undated document entitled "Decision of the Commission on Issues Connected with Land Disputes of the Religious Association 'International Society for Krishna Consciousness' in the Karasay District of Almaty Oblast," signed by commission chair Amanbek Mukhashov. Abdykarimov was unable to say when the document had been produced, but claimed that it had been finalized before the November 21 demolitions. (Note: Post has been in regular contact with Mukhashov, deputy chairman of the MOJ's Religious Issues Committee, but was never informed that a decision had been reached. On December 20, however, Mukhashov claimed to Pol FSN that the document had been issued October 2. End note.)

17. (SBU) Post shared the document on December 15 with the local OSCE Centre and the Hare Krishna community, neither of which had seen it before. The Krishnas and the Almaty Helsinki Committee (AHC) immediately issued public statements criticizing both the content of the document and the fact that members of the Commission such as the AHC, the Kazakhstani International Bureau for Human Rights, and the Krishnas themselves had no input on the document.

18. (U) Embassy translation of Commission's decision:

Having studied the current situation connected with land disputes of the religious society (hereafter - RS) "Society for Krishna Consciousness" in the Karasai district of the Almaty oblast and having listened to members of the producers' cooperative (hereafter - PC) "Sadovodcheskoye Tovarishestvo Ptitsevod," "Sadovodcheskoye Tovarishestvo Priozerye," members of RS "Society for Krishna Consciousness" as well as representatives of Karasai district Akimat, territorial bodies on the management of Almaty oblast land resources and the coordinator of RS "Society for Krishna Consciousness" in Central Asia, Mr. Govinda Swami, the Commission decided:

¶1. To recommend the Akim of the Karasai district:

- 1) To solve disputable points on the use of land plots and summer cottages on the territory of the Eltai rural district in accordance with the procedures established by the legislation of the RK;
- 2) Take measures to exclude further defects in land privatization in the Eltai rural district and control carrying out of requirements of the land and architectural-town-planning legislation of the RK;
- 3) Continue suspension of privatization of cottages and horticultural plots of land taking into account requirements of the land and architectural-town-planning legislation of the RK;

¶2. Recommend the management of RS "Society of Krishna Consciousness":

- 1) To appeal to local bodies of the Karasai district in accordance with the procedures established by legislation to allocate a land plot for the construction of religious facilities;
- 2) Carry out divine services, religious rites and ceremonies according to the requirements of the Law of the RK "On the Freedom of Confession and Religious Associations."
- 3) Lay out objectively the current problems in their appeals to state bodies, international organizations and mass media on issues of interaction with local bodies.

¶3. Recommend members of RS "Society for Krishna Consciousness" and PC "Sadovodcheskoye Tovarischestvo Priozerye" to solve disputable issues on the use of land plots and cottages on the territory of the Eltai rural district of the Karasai district in accordance with the procedures established by the legislation of the RK.

¶4. [Recommend] that the Department of Justice of Almaty Oblast and the Council on ties with religious organizations of the Almaty Oblast, in light of the situation that has developed, control the observance of legislation on the freedom of confession and religious associations by local bodies, religious associations, and other legal and physical entities in the Karasai district.

End translation.

Next Steps

¶9. (SBU) The Krishnas informed post that they have been invited by Mukhashov to a December 22 meeting of the Commission in Astana. They do not yet know who will represent them as Govinda Swami remains in India with little likelihood of receiving a new Kazakhstani visa. Mukhashov told Pol FSN that the meeting would finalize the issues related to the land dispute.

¶10. (SBU) On December 20, Krishna leader Govinda Swami (an Amcit) wrote to Ambassador Ordway and Ambassador John Hanford to request

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that the U.S. "directly mediate or otherwise help negotiate a fair and reasonable solution." The Krishnas are still awaiting the court hearing on cases launched November 26 against five additional homes in their settlement.

¶11. (SBU) Comment: While it would not be appropriate for post to act as a mediator in this situation, we will continue to press this issue with the GOK at all levels. Post believes there is still a chance that the Kazakhstani authorities might decide to resolve the dispute equitably rather than further undermine their OSCE CiO bid and reputation as a government that protects both religious minorities and property rights. End comment.

MILAS